

APPEAL NO. 021095
FILED JUNE 24, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on April 18, 2002, the hearing officer determined that the compensable injury sustained by the respondent (claimant) on _____, extends to and includes her bilateral shoulders and her neck. The appellant (carrier) has requested our review of this determination for evidentiary sufficiency, contending that the hearing officer's determination is against the great weight of the evidence. The file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant testified that prior to October 1999 she was sewing hundreds of curtains per day for the employer; that in late October 1999 her duties were changed to that of curtain inspector and packer; that she then had to fold hundreds of pairs of curtains per day and package them; that in December 1999 she began to experience tingling in her hands, which went up into her shoulders, as well as a stiff neck; and that she first sought treatment for these symptoms on _____, and was diagnosed with carpal tunnel syndrome (CTS). The claimant's evidence reflects that she underwent bilateral hand surgery for the CTS on March 31 and June 12, 2000. She stated that she had complained to the various doctors who saw her about her shoulder and neck symptoms as well as her hands, and that Dr. V, her treating doctor since August 2000, has told her that her neck and shoulders were also injured by the repetitive nature of her work. The carrier presented medical evidence to the contrary.

The disputed issue in this case presented the hearing officer with a question of fact to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W. 2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The Appeals Panel will not disturb a challenged factual finding of a hearing officer unless it is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find it so in this case. Cain v. Bain, 709 S.W. 2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W. 2d 660 (1951).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Roy L. Warren
Appeals Judge